

The Honorable Philip H. Brandt
Tacoma, Washington
Chapter 7
Hearing Date: July 24, 2007
Hearing Time: 9:30 a.m.
Response Date: July 19, 2007

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

In Re:)	
)	CASE NO. 02-45306
KATHLEEN L. LANDBERG,)	
)	CHAPTER 7 PROCEEDING
Debtor.)	
)	FINAL APPLICATION FOR
)	PAYMENT OF ATTORNEY'S
)	FEES AND COSTS

COMES NOW MARK D. WALDRON of the Law Offices of ORLANDINI & WALDRON, P.S., as legal counsel for the Chapter 7 Trustee, TERRENCE J. DONAHUE, and applies to the above-entitled Court for an order approving payment of second and final attorney's fees for ORLANDINI & WALDRON, P.S. in the amount of **\$17,682.50** for legal services rendered on behalf of the above estate from September 26, 2006 through June 18, 2007, and costs in the amount of **\$241.75**.

This Application is made pursuant to Local Rule 2016. To date, ORLANDINI & WALDRON, P.S. has been paid \$30,590.67 for attorney's fees and costs for legal services rendered on behalf of the estate through September 25, 2006, pursuant to this Court's Order entered on December 12, 2006 (Docket Number 233). The fees are not being shared.

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1 ORLANDINI & WALDRON, P.S. was appointed as counsel for the Trustee on August 17,
2 2005 and has expended 64.3 hours of time since September 26, 2006, at the rate of
3 \$275.00 per hour. The source of payment for the requested compensation and
4 reimbursement of expenses is from unencumbered funds being held by the Trustee. The
5 amount of unencumbered funds being held in the estate at this time is \$174,344.76.

6 Attached hereto is a declaration in support of this application.

7 DATED this 19th day of June, 2007.

8 ORLANDINI & WALDRON, PS

9 By: /s/ MARK D. WALDRON

10 **MARK D. WALDRON**, WSBA# 9578

11 Attorney for Chapter 7 Trustee

12 **MARK D. WALDRON**, declares, under penalty of perjury as follows:

13 I am a member of ORLANDINI & WALDRON, P.S., and this law firm was appointed
14 on August 17, 2005 as counsel for the Trustee in the above-entitled bankruptcy estate. Our
15 firm was initially appointed to represent the Bankruptcy Trustee with regard to a Superior
16 Court lawsuit that had been served on the Trustee by the Debtor's brother, Ronald Landberg,
17 Sr., trying to force the estate to sell to Ronald Landberg, Sr. certain real property of the estate
18 referred to as the Vaughn property. The Trustee subsequently requested that Orlandini &
19 Waldron, P.S. represent him in other matters related to administration of this case, much of
20 which involved litigation.

21 This second and final fee application covers attorney's fees and costs incurred from
22 September 26, 2006 through June 18, 2007. By Order entered on December 12, 2006
23 (Docket Number 233), ORLANDINI & WALDRON, P.S. was awarded and has been paid

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1 attorney's fees and costs for legal services rendered on behalf of the estate from August 2005
2 through September 25, 2006.

3 The attached itemized billing statements for this current fee application are divided into
4 two categories for legal services rendered during the time period of September 26, 2006 to
5 present.

6 **Matter #1 -- Adversary Proceeding and Appeals.** The assets of this estate included
7 certain unresolved interests in three (3) parcels of unimproved real property in Pend Oreille
8 County, Washington. The Debtor held a title interest at the time of the bankruptcy filing, but
9 appeared to increase her proportional interest in the property based upon an inheritance from
10 her parents. The Trustee requested that my law firm bring a quiet title action to determine the
11 estate's interest in three parcels of real property. Subsequently, an unrecorded Quit Claim
12 Deed was discovered, transferring the Debtor's interest to her brother, Ronald Landberg, Sr.

13 Under Adversary Proceeding Number 06-04159, a quiet title action was filed against
14 all parties claiming an interest in the Pend Oreille County properties. Authority was granted
15 to serve Defendants Arvid and Ruth Jacobson by publication, and a Default Judgment was
16 subsequently obtained against Defendants Jacobson.

17 During the above-referenced adversary proceeding, Trustee sought and obtained a
18 Temporary Restraining Order against Defendants Kathleen Landberg and Ronald Landberg,
19 Sr., restraining them from excavating on the Pend Oreille County properties. Defendants were
20 subsequently found to be in contempt of court and sanctions were imposed against said
21 Defendants for their failure to comply with discovery and failure to provide an accounting
22 relative to excavation activities on the Pend Oreille County properties. A Preliminary Injunction
23 was subsequently imposed against Kathleen Landberg and Ronald Landberg, Sr., then
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1 eventually an Order of Default and Judgment was entered quieting title to the Pend Oreille
2 County properties in the bankruptcy estate of Kathleen L. Landberg and determining that
3 none of the Defendants named in the adversary proceeding had any interest in the subject
4 properties.

5 During the adversary proceeding, Defendant Ronald Landberg, Sr. also filed numerous
6 motions for continuances and motions for reconsideration and appealed most of the interim
7 orders entered by this Court, all of which required the filing of responses on behalf of the
8 Trustee, attending and arguing at additional hearings, and legal representation in the various
9 appeals filed by Ronald Landberg, Sr..

10 In addition to the litigation regarding the Pend Oreille County properties, I represented
11 the Trustee in the appeal filed by Ronald Landberg, Sr. relative to the Judgment obtained in
12 the prior adversary proceeding on the Vaughn property (Adv. Pro. No. 05-04244), including
13 responding to Ronald Landberg's requests for extensions on filing his brief and filing
14 Appellee's brief on behalf of the Trustee. The U.S. District Court (Case No. C06-5393RJB)
15 affirmed the Bankruptcy Court's decision, but Ronald Landberg thereafter appealed the matter
16 to the 9th Circuit Court of Appeals, under U.S. Court of Appeals Docket Number 07-35254.

17 That adversary proceeding and appeals were successfully litigated and/or settled, as
18 set forth in the Stipulation for Compromise and Abandonment entered into by and between
19 the parties (Docket Number 260) and the Order Authorizing Compromise and Abandonment
20 of Real Property entered by this Court on May 15, 2007 (Docket Number 261). Your applicant
21 has spent 44.7 hours on these matters and requests fees in the amount of \$12,292.50, and
22 costs in the amount of \$18.00.

23 **Matter #2 -- General Administration, Preparing Pend Oreille County Properties**

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Upon entry of the Judgment quieting title in the Pend Oreille County properties as referenced above, a realtor was appointed by the Court, an Order was entered authorizing the Trustee to sell the property, and a buyer was subsequently obtained.

During the process of preparing to sell the Pend Oreille County properties, settlement negotiations commenced and the Debtor was able to obtain sufficient financing to fully fund and settle all disputes, claims, appeals, and other litigation between the estate and the Debtor and her brother, Ronald Landberg, Sr. The settlement, which was approved by this Court, is projected to result in sufficient funds to pay all allowed claims, the fees requested herein, and all other administrative expenses or claims.

These matters were successfully settled, as set forth in the Stipulation for Compromise and Abandonment entered into by and between the parties (Docket Number 260) and the Order Authorizing Compromise and Abandonment of Real Property entered by this Court on May 15, 2007 (Docket Number 261). Your applicant has spent 19.6 hours on these matters and requests fees in the amount of \$5,390.00, and costs in the amount of \$223.75.

Applicant requests payment in the total amount of \$17,924.25 for final attorney's fees and costs, to be paid from the unencumbered fees of estate. Attached are my billing statements which consist of detailed itemizations of dates, services performed, and charges incurred. The billing statements (Exhibits 1 and 2) are divided into the two categories as set forth above. I hereby incorporate the attached billing statements as if fully set forth herein.

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